

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

***Return Date: June 20, 2019***  
***Time: 10:00 a.m.***

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In re:

Chapter 13  
Case No.: 19-42003-608

GLADYS CANTAVE

Debtor(s)

**NOTICE OF MOTION**

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SIRS / MADAMS:

**PLEASE TAKE NOTICE**, that MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, will move before the Honorable Carla E. Craig, United States Bankruptcy Judge, on the 20Th day of JUNE,2019, at 10:00 a.m., the United States Bankruptcy Court located at 271 Cadman Plaza East – Courtroom 3529, Brooklyn, New York 11201, for an Order pursuant to 11 U.S.C. §§ 521 & 1307(c), dismissing this case by reason of the debtor(s)' failure to submit monthly pre-confirmation payments, failure to provide and/or file documents, failure to appear and/or be examined at §341 meeting of creditors, and for such other and further relief as this Court deems just and proper.

**PLEASE TAKE FURTHER NOTICE**, that answering papers, if any, shall be filed with the Court and served on the undersigned no later than SEVEN (7) days prior to the return date of this motion.

Dated: Islandia, New York  
May 16, 2019

Yours, etc.

MICHAEL J. MACCO  
Chapter 13 Trustee  
2950 Express Drive South, Suite 109  
Islandia, NY 11749  
(631) 549-7900

To: *Office of the United States Trustee*  
*GLADYS CANTAVE, Debtor(s)*  
*SENI POPAT, ESQ., Attorney for Debtor(s)*  
*All Interested Parties and Creditors*

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF NEW YORK

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**tmm1634**

In re:

Chapter 13  
Case No.: 19-42003-608

GLADYS CANTAVE

Debtor(s)

**APPLICATION**

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TO THE HONORABLE CARLA E. CRAIG, UNITED STATES BANKRUPTCY JUDGE:

MICHAEL J. MACCO, Chapter 13 Trustee of the above captioned estate, respectfully represents, as follows:

1. The debtor(s) filed a petition under the provisions of 11 U.S.C. Chapter 13 on April 13, 2019, and thereafter MICHAEL J. MACCO was duly appointed and has qualified as Trustee.
2. As of the date of this motion, the debtor(s) has failed to submit any monthly pre-confirmation payments to the Trustee.
3. In addition, as of this date the debtor(s) has failed to file and/or provide paystubs for recent pay period including the sixty (60) days prior to filing; Personal State and Federal Tax Returns for 2018; Written appraisal for property; Affidavit of Contribution from contributors totaling \$3,000.00.
4. Furthermore, as of this date the debtor has failed to provide the Trustee with all filings required under Section 521; and all mandatory disclosure documentation as set forth in Local Bankruptcy Rule 2003-1.
5. Moreover, the debtor failed to appear and/or be examined at the initial §341 meeting of creditors to be held on May 15, 2019 at 10:15 a.m.
6. This is a material default and is prejudicial to the rights of the creditors of the debtor.

**WHEREFORE**, the Trustee requests for an Order pursuant to the provisions of 11 U.S.C. §§ 521 & 1307(c), dismissing this case, and for such other and further relief as this Court deems just and proper.

Dated: Islandia, New York  
May 16, 2019

/s/ Michael J. Macco  
Michael J. Macco, Chapter 13 Trustee  
2950 Express Drive South, Suite 109  
Islandia, NY 11749  
(631) 549-7900

STATE OF NEW YORK     )  
COUNTY OF SUFFOLK    )     ss.:

SHAMUS MROTZEK, being duly sworn deposes and says: deponent is not a party to this action, is over 18 years of age and resides in Suffolk County, New York.

On May 16, 2019 deponent served the within:

**NOTICE OF MOTION AND APPLICATION**

upon the following parties, at the addresses designated by said parties for that purpose, by depositing a true copy of same, enclosed in a post-paid, properly addressed wrapper in an official depository under the exclusive care and custody of the United States Postal Service within the State of New York:

*Gladys Cantave*  
*241-30 Mayda Rd*  
*Rosedale, NY 11422*  
*Debtor(s)*

*Wells Fargo Bank N.A.*  
*c/o Woods, Oviatt, Gilman LLP*  
*Aleksandra K. Fugate, Esq.*  
*700 Crossroads Building, Two Sate Street*  
*Rochester, New York 14614*

and upon the following parties, by the e-mail address designated by said parties for that purpose;

*Office of the United States Trustee*  
*U.S. Federal Office Building*  
[USTP.Region02.BR.TFRTDR@usdoj.gov](mailto:USTP.Region02.BR.TFRTDR@usdoj.gov)

*Seni Popat, Esq.*  
*Law Office of Seni Popat, P.C.*  
*Attorney for Debtor(s)*  
[sp@splawpc.com](mailto:sp@splawpc.com)

*/s/ Shamus Mrotzek*  
SHAMUS MROTZEK

Sworn to before me this  
16<sup>th</sup> day Of MAY, 2019

*/s/ Janine M. Zarrilli*  
NOTARY PUBLIC  
Janine M. Zarrilli  
Notary Public, State of New York  
No. 01ZA5084708  
Qualified in Nassau County  
Commission Expires September 8, 2021